

REMARKS/ARGUMENTS

The following comments are intended to be fully responsive to the Office Action dated March 9, 2010.

The Examiner considers there to be five distinct inventions in the claims as filed. These break down as outlined below.

Process claims:

Claims 1-13 (designated as Group I) are directed to a method of forming dispersions.

Claim 14 (designated as Group III) is dependent on claim 1 and is a method further comprising drying the particles. The Examiner has objected that claim 14 is improperly dependent because it is broader than the process of making a dispersion. Applicants disagree. The method of claim 14 includes all the features of claim 1, plus an additional process feature (drying the particles), thus the scope of the claim can only be *narrower* than that of claim 1, as should be the case for a dependent claim. Thus this claim should be included in Group I.

Product claims:

Claims 15, 17-29 and 31-32 (designated as Group II) are directed to amphiphile particles.

Claim 30 (designated Group IV) is directed to a dry powder comprising the amphiphile particles of claim 15. Applicants disagree -- the dry powder includes particles according to claim 15, thus it is restricted to have all the features of claim 15 and should therefore be included in Group II.

Claim 16 (designated Group V) is a product-by-process type claim, directed to amphiphile particles formed by the method of Group I. The Examiner has objected to the dependency of this claim, since it essentially refers back both to claim 15 and claim 1. The examiner is correct so claim 16 is above amended to include the features of claim 15 but dependent from elected claim 1 and therefore be included in Group II.

In response to the examiner's requirement for restriction presented in the Office Action, applicants hereby elect the subject matter of Group I, claims 1-13, directed to methods of forming a dispersion. This election is made with traverse with regard to Group III (claim 14) for the reasons explained above.

Please examine the elected claims on the merits taking into account the documents cited in the International Search Report in the underlying PCT application and the Information Disclosure Statement filed February 2, 2006.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1140.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Arthur R. Crawford/
Arthur R. Crawford
Reg. No. 25,327

ARC:caw
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100